

OCT -3 2014  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY CLERK

### **PARTIES**

3. Plaintiff, Norma Campos (hereinafter "Plaintiff" or "Ms. Campos"), is a natural person residing in San Antonio, Texas. Defendant, TOLTECA ENTERPRISES, INC. is a corporation believed to maintain its principle place of business at 2939 Mossrock, Suite 220 in San Antonio, TX. Defendant, PHOENIX RECOVERY GROUP is believed to be a trade name or subsidiary of TOLTECA ENTERPRISES, INC. and maintaining a principle place of business at 2939 Mossrock, Suite 220 in San Antonio, TX. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as DOE 1-5, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities once ascertained. Plaintiff believes and thereon alleges that the fictitiously named defendants are responsible in some manner for the occurrences herein alleged, and that such defendants are responsible to Plaintiff for damages and/or monies owed.

5. TOLTECA ENTERPRISES, INC, PHOENIX RECOVERY GROUP, and DOE 1-5 shall hereafter be jointly referred to as "Defendants."

6. Defendants regularly operate as third-party debt collectors and are "debt collectors" as defined by 15 U.S.C. 1692a.

### **FACTUAL ALLEGATIONS**

7. Defendants engaged in debt collection efforts in an attempt to collect a consumer debt allegedly owed by Ms. Campos.

8. Defendants began placing calls to Ms. Campos in August of 2013.

9. On October 3, 2013, Defendants left a voice mail message for Ms. Campos, the content of which is as follows: "Message for Norma Campos, this is Sandra with Phoenix Group (210)822-8272 at ext. 6017."

10. On October 9, 2013, Defendants left a voice mail message for Ms. Campos, the content of which is as follows: "Message for Norma Campos, this is Sandra with Phoenix Group (210)822-8272 at ext. 6017."

11. On October 18, 2013, Defendants left a voice mail message for Ms. Campos, the content of which is as follows: "Message is for Norma Campos, if you can return my call. This is Sandra with the Phoenix Group (210)822-8272 at ext. 6017."

12. On November 4, 2013, Defendants left a voice mail message for Ms. Campos, the content of which is as follows: "Message is for Norma Campos. Ms. Campos, this is Sandra with the Phoenix Group. If you can please return my call. (210)822-8272 at ext. 6017. Thank you."

13. Increasingly harassed and concerned with Defendants' messages in which Defendants failed to disclose the nature or purpose of the call, Ms. Campos retained counsel with Centennial Law Offices.

14. As a direct result of the collection activity herein alleged, Ms. Campos has incurred legal fees of \$1,955.00.

### **CAUSES OF ACTION**

#### **COUNT I**

15. Plaintiff re-alleges paragraphs 1 through 14, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and

herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692d(6) and 1692(e)11 with regards to Plaintiff as follows: In their messages to Plaintiff, Defendants failed to state that the communications were from a debt collector being made in an attempt to collect a debt.

**PRAYER FOR RELIEF**


WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, recovery as follows:

- 1.) For statutory damages in the amount of \$1,000 pursuant to 15 U.S.C. 1692k(2);
- 2.) For \$1,955.00 in legal fees incurred in responding to unlawful collection activity;
- 3.) For prejudgment interest in an amount to be proved at time of trial;
- 4.) For attorney's fees pursuant to 15 U.S.C. 1692(k);
- 5.) For the costs of this lawsuit; and
- 6.) For any other and further relief that the court considers proper.

**JURY DEMAND**

Plaintiff demands a jury trial.

Date: October 2, 2014

  
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